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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,197	01/31/2001	Leland James Wiesehuegel	AUS920000945US1	4475
45993 7590 02/12/2007 IBM CORPORATION (RHF) C/O ROBERT H. FRANTZ P. O. BOX 23324 OKLAHOMA CITY, OK 73123			EXAMINER GARCIA, ERNESTO	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 02/12/2007	DELIVERY MODE PAPER

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09/773,197

EXAMINER
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ART UNIT	PAPER
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20070205

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Commissioner for Patents

The reply brief filed on January 17, 2007 has been acknowledged. In particular, the remarks to the non-appealable matters have been noted.

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

# In the United States Patent and Trademark Office

In re the Application of:

Leland James Wiesehuegel )

Serial Number: 09/773,197 )

Group:3679

Docket Number: AUS920000945US1 )

Examiner: Eric K. Nicholson

Filed on: 01/31/2001 )

For: "Dynamic Catalog for On-Line )

Offering and Bid System" )

## REPLY BRIEF

### *In Appellants' Second Appeal Reinitiation*

Appellants maintain all arguments presented in their Appeal Brief, and wish to respond to the following specific points made in the Examiner's Answer dated 11/17/2006.

#### **Objections are Reviewable by the Board**

In the Examiner's Answer, it was stated that the objections from which the Appellants have requested relief are not appealable matter, but instead are petitionable matter, citing MPEP §1002 and §1201.

The Board has proper jurisdiction to review all of these objections because:

- (a) The Board has jurisdiction over the examiner's decision to finally deny the patentability of this patent application because some of the claims have been rejected at least twice or have been finally rejections:

35 U.S.C. §134(a) . . . An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences . . .

The facts of this case are that this application has been finally rejected *three* times, and *twice* reopened for examination following filing of Appeal Briefs.

Noted  
2/7/07  
DPS